

FREEMAN, NOOTER & GINSBERG
ATTORNEYS AT LAW

LOUIS M. FREEMAN
THOMAS H. NOOTER*
LEE A. GINSBERG

*NY AND CALIF. BARS

75 MAIDEN LANE
SUITE 503
NEW YORK, N.Y. 10038

(212) 608-0808
TELECOPIER (212) 962-9696

June 11, 2020

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Consent Letter Motion

RE: United States v. Brandon Alvarez, 19 Cr. 23 (LTS)

Your Honor:

I am writing to request a continuance of the surrender date in this case. This is the second request I have made for this relief. The Court granted the request on March 30, 2020, and postponed the surrender date until June 25, 2020 at 2:00pm.. I am now requesting a further extension of the surrender date to one in late September, 2020.

The government has no objection to this second request.

The first reason, as before, for the request is because of the coronavirus pandemic. My client is a “high-risk” candidate for having severe problems if he contracts the virus because he is quite severely asthmatic (See PSR, page 12, paragraph 63). As I stated in my original Letter Motion, several times during the time I have represented him he notified me that he was hospitalized for treatment.

The second reason for the request is that there are two open matters pending against my client in a County Court in Florida (in Kissimmee, near Orlando) which we would like to have resolved before he surrenders. (I raised this issue prior to sentence and it was for that reason that the Court did grant a fairly lengthy surrender date, but for the reasons I am about to state, it was not sufficient.) These

are referred to in paragraphs 35 and 43 of the Pre-Sentence Report. As I stated in my prior request, his Florida attorney got the case calendared for May 20, 2020, but due to the pandemic, that date has now been reset for June 26, 2020. It will make the service of his federal sentence far less complicated if these open warrants are taken care of before he surrenders.

A new development causes the third basis for this request, and for the date now requested. Mr. Alvarez recently learned that his “wife” is pregnant and is due to give birth in early September. After I notified the prosecutor, AUSA Nicholas Chiuchiolo, of this new fact he stated he has no objection to late September for the surrender date (although primarily because of Mr. Alvarez’s own health issues).

Thank you very much for Your Honor’s consideration of this request.

Sincerely,

/s/ Thomas H. Nooter
THOMAS H. NOOTER
Attorney for Defendant

cc: AUSA Nicholas Chiuchiolo, by ECF
USPO Meghan Biggs, by email

The request is granted. The surrender deadline is extended to September 29, 2020, at 2:00 p.m. DE# 52 resolved.

SO ORDERED.

6/11/2020

/s/ Laura Taylor Swain, USDJ